

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE H.L.DATTU

WRIT PETITION NO.18710/1998

BETWEEN:

M/s. Ganesh Engineering works,
Plot No.17 (1), IC Main road,
IInd Phase, Peenya Industrial Area,
Bangalore-58, rep. by
Sri. Ramakrishna ..petitioner

(By M/s Ashok patil for petr)

AND:

1. Karnataka Electricity Board,
Kempe gowda road, Gandhinagar,
Bangalore-9, rep. by its
Chairman.

2. Asst. Executive Engineer,
Electricity, K.E.B.
N-4 sub divn., SRS Road,
Peenya, B'lore-58

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3. Chief Engineer, Electricity,
Bangalore Zone, K.E.B.,
K.R.Circle, B'lore-1.

..Respondents

(By Sri N.K.Gupta for Resps)

W.P filed u/a 226 & 227 of the constitution of India with an affidavit praying to: Set aside the order passed by the Appellate Authority, K.R.Circle and Chief Engineer, Electricity, KEB, Bangalore Zone vide Annex.C dt.19.5.98 and etc.,

W.P coming on for further Orders this day, the court made the following:

ORDER

Petitioner is running an industry in the Peenya Industrial area Bangalore. The respondent Board has provided an electrical installation to the petitioner's business premises.

Petitioner is before this Court mainly aggrieved by the demand notice dated 13.08.1996 interalia directing the petitioner to pay a sum of Rs.1,96,254/- which is the audit short claim for

the period from 07.12.1989 to 12.01.1994.

Petitioner being aggrieved by the back billing charges made by the Asst. Executive Engineer had already preferred an appeal before the appellate authority as provided under the Board's regulations. The appellate authority after considering the appeal that was preferred by the petitioner has rejected the same. Thereafter the respondent authorities have now issued the impugned notice dated 13.08.1996.

The Board's regulations provides for a second appeal against the orders made by the appellate authority. That remedy is an effective and efficacious remedy. Petitioner in my view without exhausting the aforesaid remedy could not have approached this Court being aggrieved by the demand notice issued by the authorities dated 13-08-1996 which has been issued pursuant to the orders made

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made by the appellate authority.

In that view of the matter this writ petition is disposed off reserving liberty to the petitioner to prefer an appeal against the orders made by the appellate authority within two months from today.

Subject to the petitioner depositing the entire claim made by the respondent authorities the appellate authority shall consider and decide the appeal on the merits without reference to the period of limitation.

Sri Gupta learned counsel is permitted to file his appearance within six weeks from today.

Ordered accordingly.

Sd/-Judge.

Cu

r.by: 2

c.by: 1

14/7/98

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

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